

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

TARA LEIGH PATRICK a/k/a CARMEN)
ELECTRA; CIELO JEAN "CJ" GIBSON;)
DENISE TRILICA a/k/a DENISE MILANI;)
JULIANNE KLAREN; RACHEL BERNSTEIN)
a/k/a RACHEL KOREN; ROSA ACOSTA;)
ABIGAIL RATCHFORD; KEELEY HAZELL;)
and KIMBERLEY "KIM" COZZENS,)

Plaintiffs,

v.

D. & B. CORP. and MARK FILTRANTI,

Defendants.

Civil Action No.: **1: 19-CV-11445-LTS**

FILED
IN CLERKS OFFICE
2019 OCT 21 PM 4:09
U.S. DISTRICT COURT
DISTRICT OF MASS.

DEFENDANTS' ANSWER TO THE PLAINTIFFS' COMPLAINT

Defendants D. & B. Corp. and Mark Filtranti, through undersigned counsel, hereby
answer Plaintiffs' Complaint as follows:

Jurisdiction and Venue

The Defendants do not contest Plaintiffs' assertion of jurisdiction and venue.

First Defense

As pertaining to claims by Plaintiff Tara Leigh Patrick, the statute of limitations has
passed.

Second Defense

The Complaint fails to state a claim against Defendants for which relief may be granted.

Third Defense

Plaintiff is not entitled to relief due to unclean hands.

Fourth Defense

Paragraphs 78-170 of the complaint state legal conclusions and Plaintiffs' characterizations of their own claims, to which no response is required. To the extent a response is deemed required, the paragraphs are denied.

Fifth Defense

Defendants respond to the numbered paragraphs as follows:

(20-21) Defendants do not contest the characterization of the Plaintiffs as professional models, only to the degree of their notoriety and their selectivity as to the brands for which they model.

(22) Denied.

(23) Denied as to the allegation that the images were meant to offer the appearance that Plaintiffs endorsed, worked at, or were affiliated with The Golden Banana, admitted as to the fact that Plaintiffs did not in fact work at, and were not in fact making an appearance at The Golden Banana in the relevant time period.

(24) Denied as to misappropriation of Plaintiffs' image (respectively) and as to Plaintiffs being caused damages by any alleged misappropriation. Defendants have insufficient information to respond to the claim that Plaintiffs were never informed of, never received any remuneration for, and never consented to the use of their respective images.

(25) Denied.

(26-52) Defendants have insufficient information to respond to the Plaintiffs' characterization of themselves and their respective business ventures, but does not contest any specific claim apart from the self-described fame and notoriety of each Plaintiff.

(53) As to the Plaintiffs' characterization of the Defendants' business, Defendants agree that their business operated during the relevant time, and that their business engaged in the business of selling alcohol and food in an atmosphere where nude and/or semi-nude women entertain the business' clientele.

(54-55) Defendants deny that they, at the relevant period of time, operated the Instagram account 'bostonstripclubs'. Defendants are without sufficient knowledge as to who owned and operated the Instagram account 'bostonstripclubs'. Defendants agree that they owned and operated social media accounts on behalf of their business, including the Facebook page 'The Golden Banana'.

(56) Defendants agree that at times social media accounts were used for commercial advertising and financial benefit. Defendants also assert that at times these accounts were used in a manner which did not include commercial advertising and did not result in a financial benefit.

(57) Defendants agree to distributing images generally on its Facebook account. Defendants deny that the images or captions in any way created a false impression that the Plaintiffs worked at, endorsed, or were in any way otherwise associated with the Club.

(58) Denied.

(59) Agreed.

(60) Denied.

(61) Defendants have insufficient information to respond to this claim.

(62-63) Defendants have insufficient information to respond to this claim.

(64-71) Denied.

(72-73) Defendants have insufficient information to respond to this claim.

(74) Denied.

(75) Defendants have insufficient information to respond to this claim.

(76) Denied.

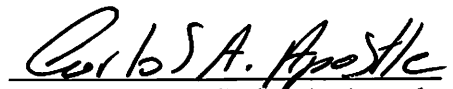
(77) Denied.

The remainder of Plaintiffs' Complaint consists of a prayer for relief, to which no response is required. To the extent a response is deemed required, Defendants deny Plaintiffs are entitled to the requested relief or to any relief whatsoever. Defendants deny all and all other allegations set forth in the Complaint not otherwise admitted or qualified above.

WHEREFORE, having fully answered Plaintiffs' Complaint, Defendants pray for a judgment dismissing the Complaint with prejudice and for such further relief as the Court may deem just.

Dated: October 21, 2019

Respectfully submitted,

A handwritten signature in black ink, reading "Carlos A. Apostle". The signature is written in a cursive style with a horizontal line underneath.

Carlos A. Apostle

BBO# 698129

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